

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-002274

09/29/2017

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

ANDREW PROVENCIO

SAL J RIVERA

v.

TIFFANY YOUNG, et al.

TIFFANY YOUNG
4911 E HILLERY DR
SCOTTSDALE AZ 85254

M & T MANAGEMENT L L C
4911 E HILLERY DR
SCOTTSDALE AZ 85254
MATT YOUNG
4911 E HILLERY DR
SCOTTSDALE AZ 85254

TRIAL MANAGEMENT CONFERENCE

Courtroom: ECB-912

1:45 p.m. This is the time set for a trial management conference. Plaintiff Andrew Provencio is present and represented by Counsel Sal J. Rivera. Defendant Tiffany Young is present on her own behalf. No other party is present or represented.

A record of the proceedings is made digitally in lieu of a court reporter.

This trial is scheduled for 6 days beginning on October 16, 2017.

Trial hours and days are normally 9:30 a.m. to 4:30 p.m. (with a lunch recess from noon to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday.

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The court will allocate trial time in this matter. The court will advise the parties of their allotted time on the first day of trial. The allotted trial time will be divided equally between the two sides. This time includes the parties' individual voir dire, opening statements, closing arguments, and any time spent examining witnesses.

The electronic equipment available in the courtroom is briefly addressed. The parties are encouraged to schedule an appointment with the court's bailiff to become familiar with the equipment.

Plaintiff requests the presence of a court reporter for the trial.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

The Rule of Exclusion of Witnesses is invoked by Plaintiff.

The jury will consist of 8 jurors and 2 alternates for a total of 10 jurors. The alternates will be determined by lot at the appropriate time.

1:52 p.m. Defendant Matt Young is now present on his own behalf.

The voir dire process is briefly reviewed. The court will request an initial panel of 40 jurors for the voir dire process.

Each side will be allowed 5 peremptory strikes.

The deadline for delivery of trial exhibits to the courtroom clerk is affirmed: **September 29, 2017**. This is a firm deadline.

At the request of Defendant Tiffany Young, Defendants may deliver their exhibits to the courtroom clerk by the close of business on Monday, October 2, 2017.

All objections to trial exhibits will be reserved.

Discussion is held regarding the witnesses to be called by the parties.

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The court addresses the parties regarding logistical issues regarding the Defendants' testimony during the trial.

The court will provide the parties with a draft set of preliminary jury instructions the first morning of trial. Any objections will be resolved prior to presentation to the jury. The final jury instructions will be resolved during the course of trial.

The court will draft a case summary of the case for jury selection.

The court addresses the parties regarding their demeanor during the trial.

The parties are advised to have witnesses prepared and ready to testify at all times during the trial so that the jury's time is used efficiently. Failure to adhere to this instruction will result in the lost trial time being charged against the party failing to present a witness.

Discussion is held regarding the claims in the case.

Plaintiff does not believe any counterclaims remain in the case based on the court's prior rulings. Discussion is held regarding the same.

The court will issue a written ruling as to any claims asserted by Defendants that remain in the case after the court reviews the complaint and counterclaim and the court's prior rulings.

The court has received Plaintiff's August 21, 2017 Motion in Limine to Exclude Documents, "Evidence," and Witnesses Disclosed After the Discovery Cut Off. The court has not received a response, and the time for responding has expired.

IT IS ORDERED granting the Motion in Limine.

Further discussion is held regarding the claims in the case.

Ms. Young addresses the court regarding her request to present evidence regarding a search and seizure of the property on 102 Main Street. The court will not allow evidence on this issue.

Plaintiff's counsel addresses the court regarding subpoenas that are currently being issued by Defendants. Discussion is briefly held regarding the same.

Plaintiff's counsel requests confirmation of Defendants' mailing address.

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Plaintiff's counsel addresses the court regarding the Defendants removing Mr. Provencio's name from Uncle Herb's Kitchen, in violation of the court's June 13, 2017 minute entry. This issue may be raised by written motion at a later date.

The court advises the parties that if the parties agree to proceed with a bench trial rather than a jury trial, the parties must advise the court no later than Thursday, October 12, 2017; otherwise, the court will assess jury fees against the parties.

2:26 p.m. Matter concludes.